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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,228	09/26/2003	Kuen-Suey Hou	BHT-3212-43	6830

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TROXELL LAW OFFICE PLLC
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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,228

Applicant(s)

HOU, KUEN-SUEY

Examiner

Aristotelis M. Psitos

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

The IDS of 1/16/04 and 12/5/05 have been considered and made of record.

Claim Objections

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. There is no gap previously mentioned in any claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by the acknowledge prior art.

As recited in claim 1, the acknowledged prior art discriminates, using reflected signals from the header area of an optical disc, whether a plurality of headers are present.

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The light beam-detecting module is inherently the described photodetector arrangement/segment/module in such prior art devices. The functional limitations present in lines 11-19 are interpreted as merely describing the operation thereof.

The signal-detecting module is inherently the appropriate circuitry that detects the signal (i.e., the rf component and subsequent signal processing segments) of the detected reflected light signal that is present in such prior art devices. The functional limitations of the ultimate wherein clause is interpreted as merely describing the operation thereof.

The limitations of the analogous method claim 15 are met when such prior art system(s) operate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 2,3, 13,14 and 16,17, are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 15 as stated in paragraph 1 above, and further in view of Park et al.

With respect to claims 2,3 and analogous method dependent claims 16 & 17, there is no clear depiction of a "mask" signal in the acknowledged prior art.

Park et al teaches in this environment, the ability of having/generating a "header" mask signal – see the discussion of figure 7 starting at col. 8 line 65. The examiner interprets this "header" mask signal as the claimed mask signal.

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With respect to claims 13 and 14, the use of logical gates, i.e., "and", "or", "nand", etc. in electronic logic circuitry – which the examiner interprets as the claimed logical unit, is well known and Official notice is taken thereof. Use of such in electronic circuitry for their inherent capabilities is motivation to use such with Park et al.

It would have been obvious to modify the base system of the acknowledged prior art with the above teaching from Park et al, motivation is as discussed by Park et al – to yield a more accurate/stabilized servo system.

3. Claims 4,5,6,7,8,9, 10, 11,12, 18,19,20,21,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 3 above, and further in view of either JP 2002-083461 or Gulick et al.

With respect to claims 4 and 12 there is no clear depiction of a "counter" in the combined system as relied upon above in paragraph 2.

The ability of using "counters" for the inherent ability of counting pulses is taught by either the JP system – see the discussion starting at paragraph 23 of the MAT (Machine assisted translation) of the JP document, or Gulick et al.

It would have been obvious to modify the base system as relied upon above in paragraph 2 with the above additional counters teaching from either JP 2002-083461 or Gulick et al, motivation is to provide for an accurate mask signal duration predicated upon a count value.

With respect to claim 5, counters normally count in bytes/bits starting at a value of "0". The examiner considers the limitations of claim 5 as inherently present in either of the secondary references.

With respect to claim 6, "the gap" is not understood. If this language is attempting to define that section in a header region, then such is inherently found in the acknowledged prior art.

With respect to claims 7-11, 18-13, these limitations merely describe the operation of the hardware and in method terminology of their parent claims. Since the examiner has met the hardware/apparatus limitations as noted above in paragraph 2, these functional limitations follow and are met.

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Conclusion

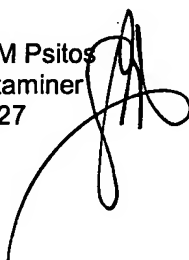
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. either Ishida et al reference, Yoon et al, Shim, Senshu, and Owa depict header arrangements in this environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP